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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,603	11/15/2001	Nobukatsu Ashida	AKI-C169	7381
7590 05/10/2004				
LORUSSO & LOUD 3137 Mount Vernon Avenue Alexandria, VA 22305			EXAMINER JOHNSTONE, ADRIENNE C	
			ART UNIT 1733	PAPER NUMBER

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

<b>Office Action Summary</b>	<b>Application No.</b> 09/987,603	<b>Applicant(s)</b> ASHIDA ET AL.	
	<b>Examiner</b> Adrienne C. Johnstone	<b>Art Unit</b> 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13, 14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13, 14 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. In order to avoid abandonment, the drawing informalities noted in Paper No. 4, mailed on August 6, 2003, must now be corrected. Specifically, although the examiner finds the substance of applicants' proposed drawing correction filed November 6, 2003 acceptable for the purpose of correctly identifying Figures 10-16 as prior art, the rules now governing amendments to the drawings require replacement drawing sheets as set forth below (revised amendment practice to accommodate the Image File Wrapper includes new 37 CFR 1.121 (d) effective July 30, 2003; see the Federal Register/Vol. 68, No. 125/Monday, June 30, 2003/Rules and Regulations). Applicants are also reminded that the original drawings still must be corrected for the reasons noted in the Notice of Draftperson's Patent Drawing Review (PTO-948) attached to Paper Number 7 (mailed March 22, 2001) of parent application 09/303,498; corrected drawings were submitted in the parent application on December 20, 2001 but not have not yet been submitted in this application.

## INFORMATION ON HOW TO EFFECT DRAWING CHANGES

### Replacement Drawing Sheets

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

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### Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

### Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 13, 14, and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This is a new matter rejection.

Claim 13 no longer requires the adhesive to be coated on at least one of the cushion material seating area and the first portion of the skin material, and the omission of this requirement is not supported by the original disclosure. Applicants have not specifically pointed out support in the original disclosure for omitting this requirement, and the examiner's review of the original disclosure reveals neither explicit nor implicit support for the omission: every reference to adhesive application in the original disclosure requires the adhesive to be within the seating area defined by the ridge in the cushioning material, and the original disclosure makes

clear the importance of bonding the skin material to the cushioning material within the seating area via the adhesive by reciting that

"In order to solve the foregoing problem [separation between the skin material 110 and the cushioning material 120 at the concave/convex portions in the prior art embodiment shown in Fig. 10], a vehicle seat formed by coating an adhesive on the seating area of the cushioning material and bonding the skin material thereto has been known."

(original specification p. 3 lines 1-4) and that

"The skin material 10 and the cushioning material 20 are bonded with an adhesive 40 coated to a region 50 inward of a ridge 12 for a seating area of the cushioning material 20, excepting for the top end of the seat. The adhesive 40 is coated to one or both of the skin material 10 and the cushioning material 20. When the skin material and the cushioning material are bonded by the adhesive in this way, it suitably facilitates the assembling operation between the cushioning material and the skin material."

(original specification p. 9 lines 1-10). It is well settled that when an original disclosure provides no explicit support for an omission, and recites the importance and advantages of the omitted subject matter, there is also no implicit support in the original disclosure for the omission (see for example the case law citations in MPEP 2163.05 concerning omission of a limitation).

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 13, 14, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the step of *completing the seat by placing the press-bonded cushioning material on a support and securing a peripheral edge of the skin material to the support*.

Contrary to applicants' arguments, a peripheral edge of the skin material cannot be secured to "the seat" because the seat has not yet been formed: a review of the original disclosure reveals that after the press-bonding step the seat is formed by covering the cushioning material with the skin material and securing the peripheral edge of the skin material to a support such as a bottom plate 30 or a frame (original specification p. 8 lines 22-25, p. 17 lines 5-12, p. 23 line 22 - p. 24 line 5, p. 24 lines 20-24, p. 25 lines 17-25).

6. Claims 13, 14, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

One way to provide proper grammar and antecedent basis, as well as to overcome the rejections in paragraphs 3 and 5 above, would be to rewrite claim 13 as --

13. (Currently Amended) A method of manufacturing a vehicle seat comprising:

providing a cushioning material having a ridge defining a seating area, said ridge and said seating area separated by a concave groove around the seating area;

disposing said cushioning material on a support;

covering [and attaching a water-proof film to] over the cushioning material with a water-proof film and attaching the water-proof film to the cushioning material;

cutting the water-proof film around the concave groove and then removing that portion of the water-proof film covering the seating area;

joining a first portion of skin material corresponding to the seating area and a second portion of skin material for covering portions of the cushioning material outside of the seating area;

coating an adhesive on at least one of the seating area of the cushioning material and the first portion of skin material;

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covering the cushioning material with the skin material;  
press-bonding the skin material to the cushioning material; and  
securing a peripheral edge of the skin material to the [seat] support.

-- .

*Allowable Subject Matter*

7. Claims 13, 14, and 16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, first and second paragraphs, set forth in this Office action.

See paragraph 13 of the Office action mailed August 6, 2003 for reasons for indicating allowable subject matter.

*Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

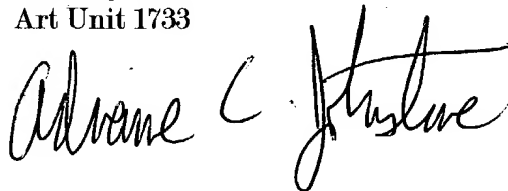
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrienne C. Johnstone whose telephone number is (571)272-1218. The examiner can normally be reached on Monday-Friday, 10:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571)272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Adrienne C. Johnstone  
Primary Examiner  
Art Unit 1733

A handwritten signature in cursive script that reads "Adrienne C. Johnstone". The signature is written in dark ink and is positioned to the right of the printed name and title.

Adrienne Johnstone

May 6, 2004